

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

MFA.No. 660 of 2001(B)

**AGAINST THE ORDER DATED 27/01/2001 IN IC.51/96 IN
MP.84/2000 of EMPLOYEES INSURANCE COURT, ALAPPUZHA**

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APPELLANT: RESPONDENT

**THE REGIONAL DIRECTOR E.S.I. CORPORATION,
PANCHADEEP BHAVAN, THRISSUR 680 020.**

BY ADV. SRI.T.P.M.IBRAHIM KHAN, SC, RAILWAYS

RESPONDENTS: (APPLICANT)

**BELL FOODS (MARINE DIVISION), PALLICHAL ROAD,
KOCHI, REP.BY ITS PROPRIETRIX
SMT.P.USHA DEVI.**

BY ADV. SRI.A.V.XAVIER

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.660 OF 2001

Dated 28th May, 2007

JUDGMENT

Koshy, J.

Consequent to the dismissal of delay condonation petition, the appeal is dismissed.

**J.B.KOSHY
JUDGE**

**K.P.BALACHANDRAN
JUDGE**

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J.B.KOSHY & K.P.BALACHANDRAN, JJ.

C.M.P.No.5569 of 2001 in
M.F.A.No.660 OF 2001

Dated 28th May, 2007

ORDER**Koshy,J.**

This is a petition to condone the delay of 333 days in filing the appeal. The Employees' Insurance Court allowed the application filed by the respondent after considering the evidence and finding of facts. Judgment was pronounced in the open court on 13.4.2000. Application for certified copy was filed on 17.4.2000. It is noted that a review petition was filed as M.P.No.84 of 2000 and that was rejected on 27.01.2001. It is seen that the certified copy of the impugned judgment was issued on 29.5.2000. The appeal was filed only on 21st June, 2001. The order in M.P. was passed on 27.01.2001. But, filing of the M.P. is not taken as a ground for condoning the delay in the affidavit. The only reason stated for condoning the delay is that there is a delay of 333 days for getting legal advice. There are several lawyers in the panel of Standing Counsel for ESI Corporation. Mere getting legal advice is not a ground for condoning the long delay of about one year. In the above circumstances, we see no ground to condone the delay. The delay condonation petition is dismissed.

**J.B.KOSHY
JUDGE**

MFA.15/2003

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**K.P.BALACHANDRAN
JUDGE**

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